

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JUUL LABS, INC.

Plaintiff,

v.

EONSMOKE, LLC., *et al.*,

Defendants

Case No. 2:18-cv-14608-JLL-SCM

STIPULATION AND [PROPOSED] ORDER TO STAY ACTION

Plaintiff JUUL Labs, Inc. (“JUUL”) and Defendant Vapor 4 Life Holdings, Inc. (“Vapor 4 Life”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, JUUL filed its complaint for patent infringement on October 3, 2018, and its first amended complaint naming Vapor 4 Life as a defendant for the first time on October 26, 2018;

WHEREAS, on October 3, 2018, JUUL filed a related verified complaint before the United States International Trade Commission entitled *In the Matter of Certain Electronic Nicotine Delivery Systems & Components Thereof* (the “ITC Action”);

WHEREAS, on October 26, 2018, JUUL filed an amended verified complaint in the ITC Action naming Vapor 4 Life as a proposed respondent for the first time; and

WHEREAS, under 28 U.S.C. § 1659(a), “[i]n a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that

involves the same issues involved in the proceeding before the Commission, . . . if such request is made within—(1) 30 days after the party is named as a respondent in the proceeding before the Commission, or (2) 30 days after the district court action is filed, whichever is later.”

NOW, THEREFORE, it is hereby stipulated by and between JUUL and Vapor 4 Life, through their respective counsel of record, that, without waiver of any defenses that Vapor 4 Life may have, including as to questions of venue and personal jurisdiction, the Court should order this action stayed as to Vapor 4 Life pursuant to 28 U.S.C. § 1659(a).

IT IS SO STIPULATED.

Dated: November 23, 2018

/s/ Lisa J. Rodriguez

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PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED this ____ day of
_____, 2018.

JOSE L. LINARES
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2018, I will cause the foregoing Stipulation and Proposed Order to Stay Action to be electronically filed with the Clerk via the Court's ECM/ECF system and thereby electronically served on all counsel of record.

/s/ Riccardo DeBari

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